



H.R. 1592 – Local Law Enforcement Hate Crimes Prevention Act of 2007

Floor Situation

H.R. 1592 is being considered under a closed rule. The rule:

- Provides one hour of debate equally divided and controlled by the Chairman and Ranking Republican Member of the Judiciary Committee.
- Waives all points of order against consideration of the bill except those arising under clause 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Includes a Manager's Amendment that strikes the Findings section of the bill as well as the sections relating to the Federal Sentencing Commission and the collection of Hate Crimes Statistics. The summary below reflects these changes.
- Provides one motion to recommit with or without instructions.

The bill was introduced by Representative John Conyers (D-MI) on March 20, 2007. The House Committee on Judiciary approved H.R. 1592 by a vote of 21 to 17 on April 25, 2007.

The bill is expected to be considered on the floor on May 3, 2007.

Note: In the 109th Congress, the House agreed to add similar legislation as an amendment to the Children's Safety Act of 2005 (H.R. 3132) by a vote of 223 to 199. The Children's Safety Act passed the House on September 14, 2005 by a vote of 371 to 52. H.R. 3132 was never passed by the full Senate.

Background

Under current law, hate crimes are defined as any crime of violence that is motivated by the victim's actual or perceived race, color, religion, or national origin. Federal jurisdiction of hate crimes is limited to specific federally protected activities (i.e. voting, attending public school, jury duty).

A sentencing enhancement also exists under current law where the offender selects a victim because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of the victim. 45 States and the District of Columbia have specific laws punishing hate crimes. All States prohibit a variety of violent crimes that constitute "willfully causing bodily injury."

Summary

H.R. 1592:

- Authorizes the Attorney General to provide assistance (technical, forensic, prosecutorial, or any other) for criminal investigation or prosecution of State, local, or Tribal felonies that are motivated by prejudice based on race, color, religion, national origin, gender, sexual orientation, gender identity, or disability, if requested by the State, local, or Tribal law enforcement.
- Authorizes \$5 million in grants for State, local, and Indian law enforcement officials to investigate and prosecute hate crimes for each of the fiscal years 2008 and 2009.
- Authorizes such sums as are necessary to increase the number of personnel to prevent and respond to the hate crimes provisions laid out in the bill.
- Expands federal coverage of hate crimes in several respects:
 - Prohibits willfully inflicting bodily injury or the attempt to do so through the use of fire, firearm, or an explosive device because of the race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person.
 - Offenders of these crimes could be sentenced to 10 years in prison and a fine. In the case of death, kidnapping, attempted kidnapping, sexual abuse, attempted sexual abuse, or attempted homicide, the offender shall be imprisoned for any term of years or for life.

Additional Views

The Ranking Member of the Judiciary Committee, Rep. Lamar Smith, has raised concerns that the bill (1) raises the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or other protected activities; (2) creates unequal treatment of victims by treating crimes against protected groups more seriously than non-protected groups; (3) encroaches on jurisdiction traditionally reserved to the States; and (4) is unconstitutional.

Cost

The CBO estimates that implementing H.R. 1592 would cost \$20 million from 2008-2012.

Staff Contact

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